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Attorneys for Defendant Dominick Forlenza

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ANGEL ALVARADO,

Civil Action No.: 2:24-cv-00520

Plaintiff,

v.

**ANSWER TO COMPLAINT**

PISCATAWAY TOWNSHIP, THE  
PISCATAWAY POLICE DEPARTMENT  
and PISCATAWAY POLICE  
OFFICER DOMONICK FORLENZA,

Defendant Dominick Forlenza hereby answers the Complaint filed by Plaintiff Angel Alvarado as follows:

**INTRODUCTION**

1. Denied as to the within Defendant.

**JURISDICTION AND VENUE**

2. Neither admit nor deny and Plaintiff is left to his proofs.

3. Neither admit nor deny and Plaintiff is left to his proofs.

**THE PARTIES**

4. Neither admit nor deny and Plaintiff is left to his proofs.

5. Neither admit nor deny as the paragraph does not pertain to the within Defendant.

6. Neither admit nor deny as the paragraph does not pertain to the within Defendant.

7. Admit.

**RELEVANT FACTUAL AVERMENTS**

8. The within Defendant hereby repeats the preceding paragraphs as if set forth herein at length.

9. Denied.

10. Denied.

11. Neither admit nor deny and Plaintiff is left to his proofs.

12. Neither admit nor deny and Plaintiff is left to his proofs.

13. Neither admit nor deny and Plaintiff is left to his proofs.

14. Neither admit nor deny and Plaintiff is left to his proofs.

15. Neither admit nor deny and Plaintiff is left to his proofs.

16. Neither admit nor deny and Plaintiff is left to his proofs.

17. Neither admit nor deny and Plaintiff is left to his proofs.

18. Neither admit nor deny and Plaintiff is left to his proofs.

19. Neither admit nor deny and Plaintiff is left to his proofs.

20. Denied.

21. Denied.

22. Neither admit nor deny and Plaintiff is left to his proofs.

23. Denied.

24. Neither admit nor deny and Plaintiff is left to his proofs.

25. Deny the statements attributed to the within Defendant; otherwise, neither admit nor deny and Plaintiff is left to his proofs.

26. Neither admit nor deny and Plaintiff is left to his proofs.

27. Neither admit nor deny and Plaintiff is left to his proofs.

**FIRST CAUSE OF ACTION**

**(Violation of 42 USC § 1983 – as against Defendant Forlenza)**

28. The within Defendant hereby repeats the preceding paragraphs as if set forth herein at length.

29. Denied.

30. Denied.

31. Denied.

**SECOND CAUSE OF ACTION**

**(Violation of 42 USC § 1983 – as against Defendants Piscataway Township and Piscataway Township Police Department)**

32. The within Defendant hereby repeats the preceding paragraphs as if set forth herein at length.

33. Denied as to the within Defendant.

34. Neither admit nor deny as the paragraph does not pertain to the within Defendant.

35. Neither admit nor deny as the paragraph does not pertain to the within Defendant.

36. Neither admit nor deny as the paragraph does not pertain to the within Defendant.

37. Neither admit nor deny as the paragraph does not pertain to the within Defendant.

**WHEREFORE,** Defendant Dominick Forlenza demands judgment dismissing Plaintiff's Complaint, attorney's fees, costs and such other relief as this Court deems just and proper.

**SEPARATE DEFENSES**

1. The Complaint is barred, in whole or in part, for failure to state a claim upon which relief may be granted.

2. All claims are barred, in whole or in part, because Defendant acted in accordance with all applicable laws of the State of New Jersey and United States of America.

3. Defendant did not engage in any conduct that constitutes a wrongful, intentional act.

4. Defendant did not breach any duty owed to Plaintiff or any Defendant on cross-claims.

5. Any damages which may have been sustained were brought about by the superseding, intervening culpable and/or criminal conduct on the part of other persons or entities, for whose conduct these answering Defendant is not responsible and/or have no control.

6. Negligence, if any, on the part of the Defendant, was not the proximate cause of any injuries that were sustained by Plaintiff.

7. This Defendant affirmatively and specifically plead each defense, limitation or immunity provided to them under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq., and assert that Plaintiff's action is barred, limited, and/or controlled by the provisions of that statute, inclusive.

8. Plaintiff's complaint is barred by the applicable statute of limitations.

9. Defendant acted on reasonable grounds and without malice and, therefore, is not responsible in damages to the Plaintiff.

10. Defendant acted within the scope of his authority and, therefore, has qualified immunity.

11. Plaintiff's Complaint fails to state a claim upon which an award of any punitive damages may be granted.

12. Plaintiff's damages, if any, are wholly attributable to the wrongful acts, omissions, or conduct of the Plaintiff.

13. Negligence, if any, on the part of the Defendant, was not the proximate cause of any injuries that were sustained by the Plaintiff.

14. Defendant's actions did not violate any rights held by Plaintiff under the U.S. or New Jersey State Constitution, nor under any Federal and/or State law.

15. This Defendant reserves the right to assert any other affirmative defenses that discovery reveals to be applicable as to avoid waiver of same.

**WHEREFORE**, Defendant Dominick Forlenza demands judgment dismissing Plaintiff's Complaint, attorney's fees, costs and such other relief as this Court deems just and proper.

**RESERVATION OF RIGHTS**

This Defendant reserves the right, at or before trial, to move to dismiss the Complaint and/or for summary judgment, on the ground that the Complaint fails to state a claim upon which relief can be granted, that the allegations within the complaint are frivolous and/or the Defendant is entitled to judgment as a matter of law,

based on any or all of the above defenses.

**NOTICE PURSUANT TO FED.R.CIV.P.5**

TAKE NOTICE that pursuant to the above-cited Rules of Court, that each party herein deriving or receiving pleadings, deposition transcripts, discovery requests, interrogatories, correspondence and other documents within the scope of Fed.R.Civ.P. 5, is hereby requested to serve same upon the undersigned attorney, whether or not they were received or served prior to or after the filing date of this Answer.

**DEMAND FOR DISCOVERY**

This Defendant hereby demands that Plaintiff provide Rule 26 disclosures as required by the Rules of Court.

**JURY DEMAND**

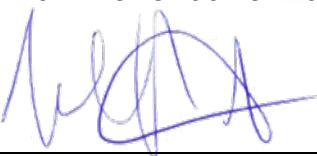
Pursuant to Federal Rule of Civil Procedure 38(b), Defendant hereby demands a trial by jury as to all counts within this Complaint with regard to all triable issues.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to the provisions of the Rules of Court, the Court is advised that John F. Gillick, Esq. is hereby designated as trial counsel for the within Defendant.

**RAINONE COUGHLIN MINCHELLO, LLC**  
Attorneys for Defendant Dominick  
Forlenza

BY:

  
John F. Gillick, Esq.

Dated: July 9, 2024

**CERTIFICATION PURSUANT TO R. 4:5-1**

The undersigned certifies in accordance with R. 4:5-1(b) (2) that the within matter is not the subject of any other action pending in any Court or a pending arbitration proceeding; that no such action or arbitration proceeding is contemplated; and that defendants are not currently aware of any non-party who should be joined in this action or who is subject to joinder.

**RAINONE COUGHLIN MINCHELLO, LLC**  
Attorneys for Defendant Dominick  
Forlenza

BY:

  
John F. Gillick, Esq.

Dated: July 9, 2024